

January 11, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

— * —
JOHN CORNYN
Attorney General

— * —
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Mr. Miles K. Risley
City Attorney
City of Victoria
Legal Department
P.O. Box 1758
Victoria, Texas 77902-1758

OR99-0079

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120882.

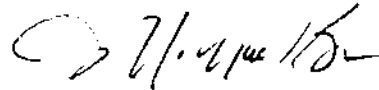
The City of Victoria (the "city") received a request for written notes and letters expressing opinions regarding certain library policies. You contend that certain of the documents responsive to this request, which you have submitted with your request for opinion, are excepted from public disclosure by section 552.107 of the Government Code.¹ We have considered the exception you claim and have reviewed the documents at issue.

Section 552.107(1) protects information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, factual information or requests for legal advice communicated by the client to the attorney and legal advice or opinion rendered by the attorney to the client. Open Records Decision No. 574 at 5-7 (1990). Section 552.107(1) does not, however, protect purely factual information. *Id.* We have marked that portion of the submitted information that reveals client confidences or legal advice or opinion; this information may be withheld. The remaining information must be released.

¹ We assume the city has released all responsive documents not so submitted.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "M. J. Burns", with a stylized flourish at the end.

Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 120882

Enclosures: Submitted documents

cc: Shirley Pigott, M.D.
301 Woodway
Victoria, Texas 77904
(w/o enclosures)